

ESTTA Tracking number: **ESTTA1067306**

Filing date: **07/09/2020**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

**Petition for Cancellation**

Notice is hereby given that the following party has filed a petition to cancel the registration indicated below.

**Petitioner Information**

|                      |   |             |                |
|----------------------|---|-------------|----------------|
| Name                 | Mr. Ashley Edmonds  |             |                |
| Entity               | Individual  | Citizenship | UNITED KINGDOM |
| Address              | 4 HEATH DRIVE, EPPING<br>ESSEX, CM167HL<br>UNITED KINGDOM   |             |                |
| Attorney information | ROBERT DEWITTY<br>DEWITTY AND ASSOCIATES<br>330 PENNSYLVANIA AVENUE<br>#302<br>WASHINGTON, DC 20003<br>UNITED STATES<br>Primary Email: admin@dewittyip.com<br>No phone number provided. |             |                |
| Docket Number        | Bru=1   |             |                |

**Registration Subject to Cancellation**

|                  |   |                   |            |
|------------------|---|-------------------|------------|
| Registration No. | 6065177   | Registration date | 05/26/2020 |
| Registrant       | Global Advantage Trading and Imports, L.L.C.<br>6725R CHIPPEWA STREET<br>ST. LOUIS, MO 63109<br>UNITED STATES |                   |            |


**Goods/Services Subject to Cancellation**

|  |
|--|
| Class 021. First Use: 2019/04/24 First Use In Commerce: 2019/04/24<br>All goods and services in the class are subject to cancellation, namely: Bottles, sold empty; sports bottles sold empty; vacuum bottles; drinking glasses, namely, tumblers; drinking glasses, namely, tumblers with lids; tumblers for use as drinking glasses; travel coffee mugs and drinking glasses, namely, tumblers with lids, made of plastic, silicone, ceramic and stainless steel; double wall cups with and double wall cups without lids; coffee cups; coffee mugs; plastic water bottles sold empty; lids for beverage storage containers, made of silicone or plastic; non-electric portable coolers and cooler bags, namely, insulated bags for food or beverages for domestic use |
|--|

**Grounds for Cancellation**

|                                      |                                       |
|--------------------------------------|---------------------------------------|
| Priority and likelihood of confusion | Trademark Act Sections 14(1) and 2(d) |
|--------------------------------------|---------------------------------------|

**Mark Cited by Petitioner as Basis for Cancellation**

|                      |  |                       |            |
|----------------------|--|-----------------------|------------|
| U.S. Application No. | 88437796   | Application Date      | 05/20/2019 |
| Registration Date    | NONE   | Foreign Priority Date | NONE       |
| Word Mark            | BRU  |                       |            |
| Design Mark          |    |                       |            |
| Description of Mark  | The mark consists of the wording "BRU" in a stylised manner.   |                       |            |
| Goods/Services       | Class 021. First use: First Use: 2018/09/29 First Use In Commerce: 2018/09/29 Coffee cups, tea cups and mugs; Insulated mugs; Reusable self-sealing lids for household use for bowls, cups, containers and the storage of food; Thermal insulated containers for food or beverages; Travel mugs; Reusable stainless steel water bottles sold empty; Vacuum bottles; Insulated flasks |                       |            |

|             |  |
|-------------|--|
| Attachments | 88437796#TMSN.png( bytes )<br>Petition to Cancel Bru.pdf(1402482 bytes ) |
|-------------|--|

|           |                |
|-----------|----------------|
| Signature | /RDWy/         |
| Name      | Robert DeWitty |
| Date      | 07/09/2020     |

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of

Registered May 26, 2020

For the Mark: BRU (Stylized) (Reg. No. 6065177)

|                              |  |                       |
|------------------------------|--|-----------------------|
| Ashley Edmonds               |  |                       |
| Petitioner                   |  |                       |
| V.                           |  | CANCELLATION NO.: TBD |
| Global Advantage Trading and |  |                       |
| Imports, L.L.C.,             |  |                       |
| Registrant                   |  |                       |
|                              |  |                       |
|                              |  |                       |

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Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

**PETITION TO CANCEL**

1. Ashley Edmonds (Petitioner), based in Essex, United Kingdom, having a principal place of business at 4 Heath Drive, Epping, UNITED KINGDOM CM167HL, believes that it is being damaged and will continue to be damaged by final registration for the mark BRU (serial number 88/239488) to Global Advantage Trading and Imports, L.L.C., having a principal place of business, on information and belief, to be 6725R Chippewa Street, St. Louis, MISSOURI UNITED STATES 63109 (Registrant) because of a likelihood of confusion between the mark BRU, owned and used by Petitioner, and BRU registered by Registrant. Petitioner has standing based on its senior user rights, and thus priority, to the mark BRU.

The grounds for cancellation are as follows:

## **PETITIONER**

2. Petitioner markets and sells products relating to coffee cups, tea cups and mugs, insulated mugs, reusable self-sealing lids for household use for bowls, cups, containers and the storage of food, thermal insulated containers for food or beverages, and travel mugs. The products bear the mark BRU, that is the subject of serial no. 88/437796.
3. Petitioner first used the mark BRU in November 2018 when marketing on the U.S. based website for Amazon.com (Exhibit 1)..
3. Since 2018, Petitioner has continuously and commercially used the mark BRU in marketing and sales of its products set forth in paragraph 1.
4. Petitioner has sold and delivered products bearing the BRU mark in the United States.

## **PETITIONER'S MARK**

5. Petitioner's mark is BRU used in conjunction with coffee cups, tea cups and mugs, Insulated mugs, reusable self-sealing lids for household use for bowls, cups, containers and the storage of food, thermal insulated containers for food or beverages, and travel mugs.
6. Petitioner's BRU mark was used as early as November 2018 on the internet website [www.amazon.com](http://www.amazon.com), wherein Petitioner was marketing and selling product bearing the BRU mark.
7. Petitioner is the common-law owner of the BRU mark, and listed as the owner in the United States Patent and Trademark application 88/437796 for the mark BRU.
8. Petitioner's rights to the mark BRU exists through actual use of the mark in commerce in the United States and senior user rights in the United States. Petitioner's priority to the mark exists through its use as early as November 2018.

## **REGISTRANT**

9. To petitioner's information and belief, Registrant, Global Advantage Trading and Imports, L.L.C., is a company based in the UNITED STATES (Exhibit 2).

10. Registrant filed application serial no. 88/239488 with the U.S. Patent and Trademark Office (“USPTO”) for the mark BRU on December 21, 2018. Registrant’s application was approved for publication August 20, 2019.
11. Application serial no. 88/239488 was filed under 1(b) Intent to Use.
12. Registrant is the listed owner of record for application serial no. 88/239488.

#### **REGISTRANT’S MARK**

14. Applicant mark is BRU currently filed for the goods “bottles, sold empty; sports bottles sold empty; vacuum bottles; drinking glasses, namely, tumblers; drinking glasses, namely, tumblers with lids; tumblers for use as drinking glasses; travel coffee mugs and drinking glasses, namely, tumblers with lids, made of plastic, silicone, ceramic and stainless steel; double wall cups with and double wall cups without lids; coffee cups; coffee mugs; plastic water bottles sold empty; lids for beverage storage containers, made of silicon or plastic; non-electric portable coolers and cooler bags, namely, insulated bags for food or beverages for domestic use, in international class 021.
15. Registrant’s mark BRU was filed with the United States Trademark Office on December 21, 2018.
16. Registrant’s mark BRU was filed under 1(b), Intent to Use.
17. A specimen showing Registrant’s mark used in commerce has not been provided.

#### **COUNT 1** **LIKELIHOOD OF CONFUSION, 15 U.S.C. §1052(D)**

18. Petitioner repeats and realleges each and every allegation set forth above.
19. In the Office action dated 08/01/2019 for trademark application 88/437796, the examining trademark attorney issued an advisory action based upon a likelihood of confusion between Petitioner’s mark BRU and Registrant’s mark BRU.
20. Because Registrant’s application filing date was December 21, 2018, and Applicant had not satisfied the use requirement, Petitioner’s use of the mark in October 2018 establishes Petitioner is Senior User and thus priority holder to the mark BRU.

21. Registration use of the mark in commerce will cause consumers of products bearing the mark BRU to be confused as to the source of the product, i.e., between Petitioner and Registrant.

22. Continuation of Registrant's registration would likely cause confusion on behalf of consumers, in violation of Section 2(d) of the Lanham Act, as amended in 15 U.S.C. section 1052(d).

WHEREFORE, Petitioner respectfully requests that the Petition for Cancellation be sustained, and that Reg. No. 6065177 be cancelled.

The filing fee has been submitted electronically.

Respectfully Submitted,

/RDWy/

Dated: July 9, 2020

Robert DeWitty  
Attorney for Petitioner  
DeWitty and Associates, Chtd.  
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Washington, D.C. 20003  
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T-202 380 9609, ext 2

## CERTIFICATE OF SERVICE

I hereby certify that a copy of this PETITION TO CANCEL, dated July 9, 2020, was emailed to Registrant's counsel to the following address:

Mr. Michael J. Hickey, LEWIS RICE LLC, BOX IP DEPARTMENT, 600  
WASHINGTON AVENUE, SUITE 2500, ST. LOUIS, MISSOURI UNITED STATES 63101,  
ipdept@lewisrice.com.

/RDWy/

Robert DeWitty  
DeWitty and Associates, Chtd.  
330 Pennsylvania Avenue, S.E.  
#302  
Washington, D.C. 20003  
T: 202 380 9609  
F: 202 513 8071  
E: RMDEWITTY@dewittyip.com

Order details

Order ID: # 114-4922299-3029823 | Your Seller Order ID: # 114-4922299-3029823

Go back to order list

Order summary

Ship by: Sat, Nov 17, 2018  
Purchase date: Sat, Nov 17, 2018 11:20 AM PST

Shipping service: Second Day  
Fulfillment: Amazon  
Sales channel: Amazon.com

Ship to

huong nguyen  
1116 PACER CT  
CHERRY HILL, NJ 08002-3858  
United States

Contact Buyer: huong nguyen

Sold by Amazon  
fulfillment centre based  
in the USA...

Refund Order

Sales proceeds

Billing country/region: US  
Payment methods: Standard

Items total: US\$19.99  
Tax total: US\$1.32  
Grand total: US\$21.31

More details


Tax Collection Model: MarketplaceFacilitator

Tax Collection Responsible Party: Amazon Services, Inc.

Seller Notes

For your records only, will  
not be displayed to the  
buyer.

Order contents

| Status           | Image   | Product name  | More information   | Quantity | Unit price | Proceeds  |
|------------------|---|---|--|----------|------------|-----------|
| Payment complete |  | bru   The Reusable & Eco Friendly Takeaway Thermal Coffee Cup   Double Walled Stainless Steel   3 Hours Hot - 5 Hours Cold   Stylish - Modern - Durable | Listing ID: 1031U4J8603<br>Order Item ID: 32554192036994 | 1        | US\$19.99  | US\$19.99 |
|                  |   |   |  |          |            | US\$1.32  |
|                  |   |   |  |          |            | US\$21.31 |



# United States of America

## United States Patent and Trademark Office



**Reg. No. 6,065,177**

**Registered May 26, 2020**

**Int. Cl.: 21**

**Trademark**

**Principal Register**

Global Advantage Trading and Imports, L.L.C. (MISSOURI LIMITED LIABILITY COMPANY)

6725r Chippewa Street  
St. Louis, MISSOURI 63109

CLASS 21: Bottles, sold empty; sports bottles sold empty; vacuum bottles; drinking glasses, namely, tumblers; drinking glasses, namely, tumblers with lids; tumblers for use as drinking glasses; travel coffee mugs and drinking glasses, namely, tumblers with lids, made of plastic, silicone, ceramic and stainless steel; double wall cups with and double wall cups without lids; coffee cups; coffee mugs; plastic water bottles sold empty; lids for beverage storage containers, made of silicon or plastic; non-electric portable coolers and cooler bags, namely, insulated bags for food or beverages for domestic use

FIRST USE 4-24-2019; IN COMMERCE 4-24-2019

The mark consists of the word "BRU" appearing in capital letters in a stylized font with the "U" depicting a coffee cup containing a hot beverage.

SER. NO. 88-239,488, FILED 12-21-2018



*Andrei Iancu*

Director of the United States  
Patent and Trademark Office

